

Divorce Act, 1869

Section 10 - Grounds for Dissolution of Marriage

1 [10. Grounds for dissolution of marriage

- (1) Any marriage solemnized, whether before or after the commencement² of the Indian Divorce (Amendment) Act, 2001, may, on a petition presented to the District Court either by the husband or the wife, be dissolved on the ground that since the solemnization of the marriage, the respondent --
- (i) has committed adultery; or
 - (ii) has ceased to be Christian by conversion to another religion; or
 - (iii) has been incurably of unsound mind for a continuous period of not less than two years immediately preceding the presentation of the petition; or
 - (iv) has, for a period of not less than two years immediately preceding the presentation of the petition, been suffering from a virulent and incurable form of leprosy; or
 - (v) has, for a period of not less than two years immediately preceding the presentation of the petition, been suffering from venereal disease in a communicable form; or
 - (vi) has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of the respondent if the respondent had been alive; or
 - (vii) has wilfully refused to consummate the marriage and the marriage has not therefore been consummated; or
 - (viii) has failed to comply with a decree for restitution of conjugal rights for a period of two years or upwards after the passing of the decree against the respondent; or
 - (ix) has deserted the petitioner for at least two years immediately preceding the presentation of the petition; or
 - (x) has treated the petitioner with such cruelty as to cause a reasonable apprehension in the mind of the petitioner that it would be harmful or injurious for the petitioner to live with the respondent.
- (2) A wife may also present a petition for the dissolution of her marriage on the ground that the husband has, since the solemnization of the marriage, been guilty of rape, sodomy or bestiality."].

1. Substituted by Act 51 of 2001, section 5, for section 10 (w.e.f. 3-10-2001).

2. 3rd October, 2001.